

In a 1970 privacy case, the U.S. Supreme Court upheld a law blocking unwanted junk mail and in doing so remarked, "The ancient concept that 'a man's home is his castle' into which 'not even the king may enter' has lost none of its vitality." In this spirit, I respectfully request that the FCC refuse the Consumer Bankers Association and marketing industry's attempt to legally secure trespass against the home and individual. Their desire for uniformity of telemarketing laws to facilitate their private gain must be trumped by the express intent of Congress and State legislatures to protect individual privacy.

If the industry is frustrated with a "patchwork" of state laws, they have only themselves to blame. The history of telephone privacy legislation is progressive and easy to understand. First, the industry promised to self-regulate its abusive practices, through the Direct Marketing Association and other trade groups. They, of course, failed to do so. Then, they consented to nationalized (thought watered-down) regulations through the Telephone Consumer Protection Act and the Telemarketing and Consumer Fraud and Abuse Prevention Act. Here too, they failed to remedy their abusive practices and the FCC failed to regulate. In direct response to this, the people, through their state legislatures DEMANDED their privacy and relief from these practices. It was only here that they began to take back their homes from commercial interests, and is a great example of Federalism at work. Now, because individuals have successfully fought this battle, the marketing industry demands that the FCC actively block the effectuation of the peoples will.

Wisconsin has virtually no "win-back" period, which was the express desire of the people, as expressed in 10 plus hearings the state held on prior to enacting its laws. Yet, FCC pre-emption as requested by the CBA would subject Wisconsin to that gaping, 18-month exemption that renders the FCC telephone privacy regulations a farce. With this exemption, bankers and business could send people a card in the mail, count them as current customers, and proceed to telemarket and abuse them with impunity.

And just what standing does the Consumers Bankers Association have to challenge the Wisconsin law? They are not an entity registered in Wisconsin, and the organization itself does not market to our state's residents. I am immediately suspicious of any organization which couples a commercial interest with the word consumers, and the CBA's failed previous attempt to Federally block California privacy laws concerning bank customers information only confirms this suspicion.

All in all, it is an outrage. But let me appeal to you on terms that are perhaps more meaningful to you; political considerations. You will learn, like countless other politicians before you, that this law is truly backed by popular support. You can characterize it as trivial, but you will not be able to dismiss it. And before this whole thing is over, one or more commissioners and senior FCC administration officials will be asked by the White House to fall on a sword to appease the public outcry. Should you pre-empt this law, it will ultimately cost a few of you your jobs. An American's desire for liberty supercedes his support of liberalism.

Thank you for your time and consideration.

J M Mathy